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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,477	01/12/2001	Hirofumi Kawamura	203843US6	1740

7590 05/22/2003

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EXAMINER

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 05/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

025

Office Action Summary	Application No.		Applicant(s)	
	09/759,477		KAWAMURA ET AL.	
	Examiner		Art Unit	
	C Shin		2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 6, the limitations “apparatus” & “communication means” lack proper and clear antecedent basis

b. In claim 8, the phrase “terminal control function optimal for the terminal device” lacks proper and clear antecedent basis. I.e., there were more than one “terminal control functions” mentioned in the earlier claim 7.

c. In claim 9, the intended meaning of the phrase “control means for ... information,” is vague and indefinite, due to a long sentence structure, and not clearly understood by the examiner. The same applies to the claim 10, last 3 lines. The phrase “type and capacity” lacks proper and clear antecedent basis.

d. In claim 10, the term “same” lacks proper and clear antecedent basis.

e. In claim 11, the phrases “control of a terminal control apparatus”, “same”, “specific processes” & “type and capacity” lack proper and clear antecedent basis.

f. In claims 13-14, the term “various function units” & “type” lack proper and clear antecedent basis.

g. In claim 18, the term “program” lacks proper and clear antecedent basis.

h. In claim 20, the phrases “various function units” & “type and capacity” lacks proper and clear antecedent basis.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belotserkovskiy et al. (6,453,210).

i. In Column 6-12 & the respective drawing section, of the Belotserkovskiy reference teaches all of the basic claimed limitations as follows:

Claims 1-5 & 9-10 Belotserkovskiy (fig 1)

- terminal control apparatus
 - feature of (11, 14, 19)
- terminal device
 - feature of (31)
- communication means for performing communication between the terminal device and the terminal control apparatus
 - feature of (HUB/SERVER)
- control means for controlling the terminal device
 - feature of the description of (ICI) in combination with (11,14,16,18,19 & SERVERS/HUB), Columns 6-12
- by using a terminal control function that accords with the terminal device which is communicating with the apparatus through the communication means
 - feature of the description of (ICI) in combination with (11,14,16,18,19 & SERVERS/HUB), Columns 6-12
- terminal control function/function performing means
 - feature of (ICI)
- control means selects one of terminal control functions, which is optimal for the terminal device, and performs the terminal control function selected, thereby to control the terminal device
 - feature of the description of (ICI) in combination with (11,14,16,18,19 & SERVERS/HUB), Columns 6-12
- control means comprises selection means for selecting the terminal control function optimal for the terminal device, in accordance with terminal information that represents the type and capacity of the terminal device, and function-performing means for performing terminal control function selected by the selection means
 - feature of the description of (ICI) in combination with (11,14,16,18,19 & SERVERS/HUB), Columns 6-12
- function-performing means comprises function control means for controlling various function units of the terminal device, and the function control means controls the functions corresponding

to various function units in accordance with the terminal capacity data contained in the terminal information

- feature of the description of (ICI) in combination with (11,14,16,18,19 & SERVERS/HUB), Columns 6-12
- wherein information is received from and transmitted to the terminal device through a terminal control system that operates regardless of the type of the terminal device

ii. As for apparatus claims 1-5 & 9-10, the teachings of the Belotserkovskiy reference teaches all of the basic claimed limitations that are substantially identical to the claimed invention, due to the slight difference in actual application (the claimed invention is not specifically directed to casting processing). However, the Belotserkovskiy reference does teach all of the equivalent limitations of the claimed invention that are substantially identical. It would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of Belotserkovskiy for the reasons stated above.

iii. It is noted that 1) claims 6-8, 11-12 & 2) claims 13-20 respectively claims Method version & Program version that are functionally & substantially identical to the above apparatus claims. In addition, it is also noted that the above noted claims sets are NOT separately patentable from the apparatus claims 1-5 & 9-10; therefore, the teachings of the apparatus claims are similarly applied.

iv. If the applicant believes that the Method & Program version claims are separately & distinctively patentable from the apparatus claims, then the Method & Program version claims should be canceled and filed separately from this application, respectively.

4. Any Response To This Action Should Be Mailed To:

If The Action Is Non-Final

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)

**If The action is Final
Box AF**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7238, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to

Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any Other Telephone Communication Should Be Directed To

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Shin whose telephone number is (703) 305-9658. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:00 PM.

Christopher B. Shin
May 18, 2003

Christopher B. Shin

PRIMARY EXAMINER

ART UNIT 2182

